

Message Text

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ORIGIN NRC-07

INFO OCT-01 ARA-10 EUR-12 EA-09 NEA-10 IO-13 ISO-00 OES-06

FEA-01 ACDA-10 CIAE-00 INR-07 L-03 NSAE-00 NSC-05

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FM SECSTATE WASHDC

TO AMEMBASSY BERN PRIORITY

AMEMBASSY BONN PRIORITY

AMEMBASSY BRASILIA PRIORITY

AMEMBASSY BRUSSELS PRIORITY

AMEMBASSY COPENHAGEN PRIORITY

AMCONSUL BOMBAY PRIORITY

AMEMBASSY HELSINKI PRIORITY

AMEMBASSY LONDON PRIORITY

AMEMBASSY MADRID PRIORITY

AMEMBASSY MEXICO PRIORITY

AMEMBASSY NEW DELHI PRIORITY

AMEMBASSY PARIS PRIORITY

AMCONSUL RIO DE JANEIRO PRIORITY

AMEMBASSY ROME PRIORITY

AMEMBASSY SEOUL PRIORITY

AMEMBASSY STOCKHOLM PRIORITY

AMEMBASSY TAIPEI PRIORITY

AMEMBASSY TEHRAN PRIORITY

AMEMBASSY THE HAGUE PRIORITY

AMEMBASSY TOKYO PRIORITY

AMEMBASSY VIENNA PRIORITY

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USMISSION IAEA VIENNA PRIORITY

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EMBASSY PLEASE PASS TO SCICOUNS AND SCIATTS DURING WEEKEND

E.O. 11652:N/A

TAGS: TECH

SUBJECT:NRC PLANS NEW RULEMAKING PROCEEDING ON WASTE
MANAGEMENT IMPACT FOR REACTOR LICENSING

REF: A-219

1. EMBASSIES AND MISSIONS ARE REQUESTED TO PASS THE FOLLOW-
ING INFORMATION TO NUCLEAR REGULATORY COMMISSION TECHNICAL
NOTIFICATION ADDRESSEES PER REF A-219.

2. THE NUCLEAR REGULATORY COMMISSION, FOLLOWING TWO RECENT
COURT DECISIONS, HAS DIRECTED A THOROUGH NEW STAFF ANALYSIS
--SCHEDULED FOR COMPLETION BY ABOUT SEPT 30-- OF THE ENVI-
RONMENTAL IMPACT OF FUEL REPROCESSING AND WASTE MANAGEMENT
ASSOCIATED WITH INDIVIDUAL NUCLEAR POWER PLANTS. THIS IS
THE FIRST STEP TOWARD A PUBLIC PROCEEDING TO FORMULATE A
NEW RULE FOR ASSESSING SUCH IMPACT.

3. A DETAILED POLICY STATEMENT HAS BEEN ISSUED EXPLAINING
HOW THE NRC PLANS TO HANDLE ITS LICENSING ACTIVITIES PEND-
ING RESOLUTION OF SEVERAL QUESTIONS RAISED BY TWO JULY 21
DECISIONS OF THE U. S. COURT OF APPEALS FOR THE DISTRICT
OF COLUMBIA CIRCUIT. THE DECISIONS RELATE TO HOW THE COM-
MISSION CONSIDERS THE IMPACT OF REPROCESSING AND WASTE DIS-
POSAL IN ITS REACTOR LICENSING PROCESS. THE COURT HELD
THAT THE PRESENT RULE GOVERNING THAT CONSIDERATION MUST
BE MORE FULLY DOCUMENTED AND EXPLAINED.

4. THE STAFF ANALYSIS, ALREADY UNDER WAY, IS INTENDED TO
PROVIDE THAT DOCUMENTATION AND EXPLANATION, AFTER COM-
PLETION OF THE ANALYSIS, THE COMMISSION WILL BEGIN A
PUBLIC PROCEEDING THIS FALL TO FORMULATE A NEW RULE
GOVERNING REPROCESSING AND WASTE DISPOSAL CONSIDERATIONS
IN LICENSING ACTIVITIES.

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5. THE POLICY STATEMENT MADE CLEAR THAT THIS ANALYSIS AND
THE SUBSEQUENT DEVELOPMENT OF A RULE REPRESENT "BUT ONE
STEP IN NATIONAL PLANNING" FOR WASTE MANAGEMENT. THE
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION PLANS TO
ISSUE STATEMENT ON WASTE MANAGEMENT. OTHER MEASURES UNDER
WAY INCLUDE THE NRC'S DEVELOPMENT OF GOALS, OBJECTIVES AND
GENERAL ENVIRONMENTAL CRITERIA FOR WASTE MANAGEMENT, AND

THE COMMISSION WILL PREPARE APPROPRIATE ENVIRONMENTAL IMPACT STATEMENTS AS IT CONTINUES DEVELOPING ITS REGULATORY FRAMEWORK FOR WASTE MANAGEMENT.

6. PENDING COMPLETION OF THE STAFF ANALYSIS, THE COMMISSION DOES NOT INTEND TO ISSUE ANY NEW FULL-POWER OPERATING LICENSES, CONSTRUCTION PERMITS, OR LIMITED WORK AUTHORIZATIONS. SOME TYPES OF LICENSING--SUCH AS FUEL LOADING, LIMITED POWER TESTING, OR CONSTRUCTION PERMIT AMENDMENTS--WILL NOT NECESSARILY BE AFFECTED. FOR EXAMPLE, AS THE COMMISSION NOTED IN ITS POLICY STATEMENT, IT BELIEVES THAT AUTHORIZATION FOR FUEL LOADING AND LOW-POWER TESTING IS NOT PRECLUDED BY THE COURT DECISIONS. CONSEQUENTLY, THE NRC STAFF TODAY IS ISSUING LICENSES TO TWO UTILITIES FOR INITIAL LOADING OF NUCLEAR FUEL AND LOW POWER TESTING NOT TO EXCEED 1 . THE UTILITIES ARE BALTIMORE GAS AND ELECTRIC COMPANY FOR UNIT 2 OF THE CALVERT CLIFFS NUCLEAR POWER STATION AT LUSBY, MARYLAND, AND PUBLIC SERVICE ELECTRIC AND GAS FOR UNIT 2 OF THE SALEM NUCLEAR GENERATING STATION AT SALEM, NEW JERSEY.

7. WHEN COMPLETED IN SEPTEMBER, THE STAFF ANALYSIS MAY PROVIDE THE FOUNDATION FOR ADDITIONAL NRC LICENSING. IT ALSO MAY PROVIDE THE BASIS FOR AN INTERIM RULE UNDER WHICH LICENSING ACTIVITIES COULD BE RESUMED.

8. FOR THE NEXT SEVERAL WEEKS, THE NRC STAFF AND THE LICENSING BOARDS WILL CONTINUE TO PROCESS APPLICATIONS UP TO THE POINT OF LICENSING. WITH RESPECT TO LICENSES WHICH ALREADY HAVE BEEN GRANTED, THE COMMISSION SAID IT WILL DETERMINE, AFTER IT RECEIVES THE STAFF ANALYSIS, WHETHER TO INITIATE PROCEEDINGS FOR THE REVIEW OF INDIVIDUAL

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LICENSES.

9. THE LICENSES OF THE VERMONT YANKEE NUCLEAR POWER CORPORATION PLANT AT VERNON, VERMONT, AND CONSUMERS POWER COMPANY'S MIDLAND, MICHIGAN STATION WERE AT ISSUE IN THE COURT OF APPEALS' CASES. THE COMMISSION SAID THAT SINCE IT HAS DETERMINED THAT THE REPROCESSING AND WASTE MANAGEMENT ISSUE SHOULD BE TREATED GENERALLY BY RULE CHANGE RATHER THAN ON AN INDIVIDUAL PLANT-BY-PLANT BASIS, IT WILL ASK A LICENSING BOARD TO DECIDE WHETHER THERE SHOULD BE MODIFICATION OR SUSPENSION OF THESE LICENSES PENDING ISSUANCE OF A NEW RULE, OR A POSSIBLE INTERIM RULE. THE LICENSING BOARD HAS BEEN ASKED TO BALANCE ALL FACTORS IN MAKING THAT DETERMINATION. NRC WILL SEND BY POUCH TO EACH ADDRESSEE A COPY OF THE GENERAL POLICY STATEMENT

ON ENVIRONMENTAL EFFECTS OF THE URANIUM FUEL CYCLE. ROBINSON

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